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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,790	03/13/2001	Sean Christopher Martin	A33641 PCT/U	4211
21003	7590	01/12/2006		
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HAVAN, THU THAO	
			ART UNIT 3624	PAPER NUMBER
DATE MAILED: 01/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/673,790

Applicant(s)

MARTIN ET AL.

Examiner

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Detailed Action**

#### ***Response to Amendment***

Claims 9-18 are pending. This action is in response to the amendment received November 25, 2005.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 9-18 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **9-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Maggioncalda et al. (US 5,918,217).

Re claims **9 and 17**, Maggioncalda teaches an apparatus for aiding the decision-making process of a user selecting from a plurality of products/service (abstract), the apparatus comprising:

a memory storing data defining a plurality of products/services a user is able to select (fig. 2 (elements 204, 206, 207), said data comprising for each product/service:

data defining a graphical representation of said product/service (col. 2, lines 12-30; fig. 4);

data defining a number of criteria defining said product/service (col. 8, line 65 to col. 10, line 20; figs. 4 and 9);

data defining a user interface display providing further information on said product/service (col. 14, lines 49-67; figs. 4 and 9); and

a user interface display comprising a first and second display portion (figs. 4 and 9), said user interface display being responsive to user input of selection criteria to cause indications of said input user selection criteria to be displayed in said first display portion and one or more selected graphical representations of products/services from said memory to be displayed in said second display portion, said selected graphical representations of products/services being selected on the basis of a comparison of said input selection criteria and data defining criteria defining products/services stored in said memory, wherein said graphical representation displayed in said second display portion are selectable by a user and said user interface display is responsive to user selection of a graphical representation of a product/service from said second display portion to generate a user interface display providing further information on said selected product/service utilizing data stored in said memory (col. 9, line 65 to col. 12, line 65; figs. 4 and 9). In figures 4 and 9, Maggioncalda displays a slider bar for a user to interface according to a first, second, and third display

Art Unit: 3624

portion. Users can change one or more input decisions for products. The second visual display is updated to reflect the new set of output results.

Re claim **10**, Maggioncalda teaches data defining graphical representations of a product/service comprises data identifying text or a picture of said product/service (col. 17, lines 34-67).

Re claim **11**, Maggioncalda teaches user interface display is responsive to user input of selection criteria to generate a user interface display wherein indications of said input user selection criteria comprising representations of slider settings identifying said user selection criteria are displayed in said first display portion (col. 9, line 65 to col. 10, line 67).

Re claim **12**, Maggioncalda teaches user interface display is responsive to user selection of a graphical representation of a product/service from said second display portion to generate a user interface display providing further information on said selected product/service in a third portion of a display at the same time as the display of said first and second display portion (col. 8, lines 16 to col. 9, line 67; fig. 4).

Re claim **13**, Maggioncalda teaches user interface comprises recommendation logic responsive to user input of selection criteria to calculate for each product/service for which data is stored in said memory a score for said product/service and to select graphical representations for inclusion in said second portion of a generated display on the basis of the score determined for said product/service utilizing said input selection criteria and data defining a number of criteria defining said product/service (figs. 2, 4, 7a, and 8).

Re claim **14**, Maggioncalda teaches recommendation logic is operable to rank said products/services for which data is stored in said memory and order the graphical

Art Unit: 3624

representations of said products/services displayed in said second portion of a generated display on the basis of said ranking (fig. 12a-12b and 14a-14b).

Re claim **15**, Maggioncalda teaches recommendation logic is operable to select a predetermined number of graphical representations for inclusion in said second portion of a generated display wherein said selected graphical representations comprise products/services associated with scores indicative of the best match between said input selection criteria and data defining a number of criteria defining said products/services (col. 16, lines 13-63).

Re claim **16**, Maggioncalda teaches recommendation logic is operable to calculate a score for each product/service according to the following formula (col., lines):

$$S_p = f(S_{i,p}, l_i); i \in \{1 \dots N\}; p \in \{1 \dots Q\}$$

Wherein

$S_p$  represents the overall score for a particular product/service  $p$

$F(\dots)$  represents "a function of"

$S_{i,p}$  represents the individual score for criteria  $i$  of product/service  $p$

$l_i$  represents the number of possible selection criteria

$Q$  represents the number of products/services for which data is stored in said memory (fig. 8). Maggioncalda evaluates the probability distribution.

Re claim **18**, Maggioncalda teaches user terminal is responsive to user selection of a graphical representation of a product/service from said second display portion to request further information for a selected product/service from said server and responsive to receipt of said further information to utilize said further information to generate a display comprising

said user interface display providing further information on said selected product/services (fig.

4). Maggioncalda discloses three displays in one main screen.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blake et al, US 5,270,919

Liongosari et al., US 6,900,807

Amin et al, US 6,922,816

Bornstein et al., US 2002/0080196

Javitt, US 2002/0120469

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

Application/Control Number: 09/673,790

Page 7

Art Unit: 3624

Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
1/8/2006



HANI M. KAZIMI  
PRIMARY EXAMINER